



May 8, 2003

The Honorable Tommy Thompson
Secretary of United States Department Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Thompson:

We understand the enormous task that you must be faced with as you engage in your responsibilities of managing the health issues of our great nation. It is with this in mind that we express our deepest appreciation for taking time to understand the magnitude of disaster that has occurred in our small town of Libby, Montana.

As you are probably aware, we are currently the home of our nation's highest priority superfund site. This is due to the widespread contamination of a most toxic form of mineral fiber, amphibole asbestos. This mineral fiber is a contaminant in the vermiculite that was mined and processed locally for 70 years prior to 1990. The miners and the general population were unaware that they were being exposed to this highly disease-potent, microscopic, toxic substance. Our awareness as a community began three-and-a-half years ago and today we understand that we face a desperate future.

We soon came to realize that our current and former exposed population would require specialized health care and we began to approach our federal government to meet this need, which is expected to last for the next 80-plus years, provided exposures cease. With the assistance of our on-scene federal partners, we have engaged in an exhaustive search to identify a program that would address this need, only to come up with measures that are temporary, incomplete and non-comprehensive. That is, until recently, as we have now discovered that within "superfund legislation" exists a solution to this most troubling dilemma. It is clear that the framers of this legislation had the wisdom to provide a solution in the event that a population such as ours had been exposed to toxic substance. CERCLA 9604 (i)(1), provided our nation with the establishment of an agency, the Agency for Toxic Substances and Disease Registry (ATSDR), to address problems such as off-setting the impacts of toxic exposure.

Secretary Thompson, we are asking you to declare a "public health emergency" as stated in this legislation, 9604 (i)(1)(D), which would provide healthcare and engage the "all important" government agencies listed, therefore providing a comprehensive, scientific approach to addressing this tragedy.

Exposure presents a grim reality; debilitating lung dysfunction disease (asbestosis), terminal cancer (mesothelioma), cancers of other target organs (that we might survive if detected early enough) and shortened life-span. These devastating impacts of exposure can be decreased through specialized medical therapies and through research that might provide better therapies than exist today. Our immune systems have been compromised, robbing us of our health and these diseases create astronomical medical costs that will leave our families in financial ruin. We are asking that you use your authority to assure the long overdue fairness for our exposed people, to the fullest extent as provided by the law of our land.

In addition, we have come to recognize that this American disaster was not simply due to an oversight. The State of Montana did a full mineral analysis in 1956 and the federal government was aware of the problem, at least by 1979. Much of this toxic exposure was preventable, but due to greed, ineptness, policy failure and apparent corruption, this was allowed to happen to us. Therefore, we respectfully ask that you launch a thorough investigation to identify and address these problems so that other Americans, who are not as aware as we are today, do not have to endure the plight of Libby, Montana. For those who have died and those who will die as casualties of failure, greed and perceived corruption, accountability and justice must be upheld. If this callous disregard for human life is to be viewed as acceptable, we can be assured that more Americans in the years to come are to meet our same fate.

Please correct this injustice for our nation. Please declare a "public health emergency" for Libby.

Thank you.
The Libby Community Advisory Group
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May 8, 2003
The Honorable Tommy Thompson
RE: Libby, MT Community Advisory Group Letter
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Attachments:

Page 1 - Community Advisory Group (CAG) Signature Page

Page 2 - Audience Signature Page

Page 3 - COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND
LIABILITY ACT OF 1980 (CERCLA) "Superfund Legislation" from Table of Contents,
Section 9604. Response authorities. - page 1076

Page 4 - (CERCLA) 9604 (i) (1) and 9604 (i)(1)(D) - page 1095, as referenced in CAG letter

Page 5 - Results of a survey questionnaire presented to CAG and audience at a recent CAG meeting which
demonstrates the psychological impacts endured by our community--titled CAG Questionnaire Results, this
survey was conducted by Center for Asbestos Related Disease Outreach Recovery Assistance (CORA)

cc: The Montana, U.S. Congressional Delegation
The United States Congress
Governor Judy Martz of Montana
The news media

CAG signature page: Secretary Thompson 5-8-2003

Clinton Maynard - CAG - area asbestos Research Group

Norel Sharnstas

Eileen Carney

Gayla Benfield

Michael Hobb

David F. Latham The Montanan newspaper

Ken Hays

Bob Dedrick

Asbestos victims

Bob Smith

- CABINET RESERVE GROUP / CONSERVATION
COMMUNITY

Lyw Mahi

Libby School

Steve Rock

George A. Sauer

City of Libby

Rita Phillips

Asbestos Victim Ex Grace Employee

Le Roy Thon

FORMER GRACE EMPLOYEE

Chapman E

Audience signature page: Secretary Thompson 5-8-2003

Ken Thompson	Libby
Libby Sittler	"
Mark Jungst	Libby
Patrick Vinton	
Karel Spang	Libby
Paul J. Fath	Libby
Eva A. Deshayes	Libby
Andy Challinor	Libby
Wendy R. Challinor	Libby
Catherine Talge	Libby
John Dean	Libby
Carrie Hedrick	Libby
Gilman Selig	Libby
Nicole G. Keck	Libby
x Kent A. Whitehouse	Libby
Jay Morton	Libby
Dean Zepke	Libby
Gordon Zepke	Libby
Carol Flacher	Libby
Michael Cull	Libby

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 [CERCLA § ———]

(42 U.S.C.A. §§ 9601 to 9675)

CHAPTER 103—COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY

SUBCHAPTER I—HAZARDOUS SUBSTANCES RELEASES, LIABILITY, COMPENSATION

Sec.

9601. Definitions.

9602. Designation of additional hazardous substances and establishment of reportable released quantities.

(a) Regulations.

(b) Reportable quantity.

9603. Notification requirements respecting released substances.

(a) Notice to National Response Center upon release from vessel or offshore or onshore facility by person in charge; conveyance of notice by Center.

(b) Penalties for failure to notify; use of notice or information pursuant to notice in criminal case.

(c) Notice to Administrator of EPA of existence of storage, etc.; facility by owner or operator; exception; time, manner, and form of notice; penalties for failure to notify; use of notice or information pursuant to notice in criminal case.

(d) Recordkeeping requirements; promulgation of rules and regulations by Administrator of EPA; penalties for violations; waiver of retention requirements.

(e) Applicability to registered pesticide product.

(f) Exemptions from notice and penalty provisions for substances reported under other Federal law or is in continuous release, etc.

9604. Response authorities.

(a) Removal and other remedial action by President; applicability of national contingency plan; response by potentially responsible parties; public health threats; limitations on response; exception.

(b) Investigations, monitoring, coordination, etc., by President.

(c) Criteria for continuance of obligations from Fund over specified amount for response actions; consultation by President with affected States; contracts or cooperative agreements by States with President prior to remedial actions; cost-sharing agreements; selection by President of remedial actions; State credits; granting of credit; expenses before listing or agreement; response actions between 1978 and 1980; State expenses after December 11, 1980, in excess of

Sec.

9604. Response authorities.

10 percent of costs, item-by-item approval, use of credits; operation and maintenance; limitation on source of funds for O&M; recontracting; siting.

(d) Contracts or cooperative agreements by President with States or political subdivisions or Indian tribes; State applications; terms and conditions; reimbursements; cost-sharing provisions; enforcement requirements and procedures.

(e) Information gathering and access.

(f) Contracts for response actions; compliance with Federal health and safety standards.

(g) Rates for wages and labor standards applicable to covered work.

(h) Emergency procurement powers; exercise by President.

(i) Agency for Toxic Substances and Disease Registry; establishment, functions, etc.

(j) Acquisition of property.

9605. National contingency plan.

(a) Revision and republication.

(b) Revision of plan.

(c) Hazard ranking system.

(d) Petition for assessment of release.

(e) Releases from earlier sites.

(f) Minority contractors.

(g) Special study wastes.

9606. Abatement actions.

(a) Maintenance; jurisdiction, etc.

(b) Fines; reimbursement.

(c) Guidelines for using imminent hazard, enforcement, and emergency response authorities; promulgation by Administrator of EPA, scope, etc.

9607. Liability.

(a) Covered persons; scope; recoverable costs and damages; interest rate; "comparable maturity" date.

(b) Defenses.

(c) Determination of amounts.

(d) Rendering care or advice.

(e) Indemnification, hold harmless, etc., agreements or conveyances; subrogation rights.

(f) Natural resources liability; designation of public trustees of natural resources.

(g) Federal agencies.

Secretary of Labor, in accordance with the Davis-Bacon Act [40 U.S.C.A. § 276a et seq.]. The President shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

(2) The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of Title 40.

(h) Emergency procurement powers; exercise by President

Notwithstanding any other provision of law, subject to the provisions of section 9611 of this title, the President may authorize the use of such emergency procurement powers as he deems necessary to effect the purpose of this chapter. Upon determination that such procedures are necessary, the President shall promulgate regulations prescribing the circumstances under which such authority shall be used and the procedures governing the use of such authority.

→ **(i) Agency for Toxic Substances and Disease Registry; establishment, functions, etc.**

(1) There is hereby established within the Public Health Service an agency, to be known as the Agency for Toxic Substances and Disease Registry, which shall report directly to the Surgeon General of the United States. The Administrator of said Agency shall, with the cooperation of the Administrator of the Environmental Protection Agency, the Commissioner of the Food and Drug Administration, the Directors of the National Institute of Medicine, National Institute of Environmental Health Sciences, National Institute of Occupational Safety and Health, Centers for Disease Control and Prevention, the Administrator of the Occupational Safety and Health Administration, the Administrator of the Social Security Administration, the Secretary of Transportation, and appropriate State and local health officials, effectuate and implement the health related authorities of this chapter. In addition, said Administrator shall—

(A) in cooperation with the States, establish and maintain a national registry of serious diseases and illnesses and a national registry of persons exposed to toxic substances;

(B) establish and maintain inventory of literature, research, and studies on the health effects of toxic substances;

(C) in cooperation with the States, and other agencies of the Federal Government, establish and maintain a complete listing of areas closed to the public or otherwise restricted in use because of toxic substance contamination;

→ (D) in cases of public health emergencies caused or believed to be caused by exposure to toxic substances, provide medical care and testing to exposed individuals, including but not limited to tissue sam-

pling, chromosomal testing where appropriate, epidemiological studies, or any other assistance appropriate under the circumstances; and

(E) either independently or as part of other health status survey, conduct periodic survey and screening programs to determine relationships between exposure to toxic substances and illness. In cases of public health emergencies, exposed persons shall be eligible for admission to hospitals and other facilities and services operated or provided by the Public Health Service.

(2)(A) Within 6 months after October 17, 1986, the Administrator of the Agency for Toxic Substances and Disease Registry (ATSDR) and the Administrator of the Environmental Protection Agency (EPA) shall prepare a list, in order of priority, of at least 100 hazardous substances which are most commonly found at facilities on the National Priorities List and which, in their sole discretion, they determine are posing the most significant potential threat to human health due to their known or suspected toxicity to humans and the potential for human exposure to such substances at facilities on the National Priorities List or at facilities to which a response to a release or a threatened release under this section is under consideration.

(B) Within 24 months after October 17, 1986, the Administrator of ATSDR and the Administrator of EPA shall revise the list prepared under subparagraph (A). Such revision shall include, in order of priority, the addition of 100 or more such hazardous substances. In each of the 3 consecutive 12-month periods that follow, the Administrator of ATSDR and the Administrator of EPA shall revise, in the same manner as provided in the 2 preceding sentences, such list to include not fewer than 25 additional hazardous substances per revision. The Administrator of ATSDR and the Administrator of EPA shall not less often than once every year thereafter revise such list to include additional hazardous substances in accordance with the criteria in subparagraph (A).

(3) Based on all available information, including information maintained under paragraph (1)(B) and data developed and collected on the health effects of hazardous substances under this paragraph, the Administrator of ATSDR shall prepare toxicological profiles of each of the substances listed pursuant to paragraph (2). The toxicological profiles shall be prepared in accordance with guidelines developed by the Administrator of ATSDR and the Administrator of EPA. Such profiles shall include, but not be limited to each of the following:

(A) An examination, summary, and interpretation of available toxicological information and epidemiologic evaluations on a hazardous substance in order to ascertain the levels of significant human exposure for the substance and the associated acute, subacute, and chronic health effects.

(B) A determination of whether adequate information on the health effects of each substance is available or in the process of development to deter-

C.A.G. Questionnaire Results



1. Do you or a family member have an asbestos related disease?
68% yes 28% no 3% no response 60 survey responses (99% response rate)
2. What specific **psychological and/or social** problems related to asbestos exposure have you seen in our community?
95% Health concerns
92% Financial concerns
68% Depression
72% Worry/Fear
90% Anger/Frustration
77% Community conflict
20% Overuse of alcohol or drugs
Other: (write in answers were taken into account but too lengthy to report back)
3. What kinds of **psychological and/or social** resources are most **lacking** in our asbestos impacted community?
53% Public education
43% Emotional support
50% Affordable mental health care
20% Resource Information
42% Affordable, Practical in-home assistance
Other: (write in answers were taken into account but too lengthy to report back)
4. Do you feel that community involvement activities do the following:
47% Successfully provide information
40% Make you feel like you are part of the solution
18% Decrease your uncertainties and worries
30% Give you hope for the future
Other: (write in answers were taken into account but too lengthy to report back.)
5. What obstacles do you see for people trying to use **psychological and/or social** services in our asbestos impacted community?
73% Financial obstacles
55% Lack of information about services available
53% Pride and/or independence
Other: (write in answers were taken into account but too lengthy to report back.)

CORA provides FREE assistance with psychological and social problems related to asbestos exposure. CORA can provide health and mental health information and/or assist you in exploring various community resources to meet your needs. If you, or someone you know, is in need of the above mentioned services, contact CORA at 293-9274 or stop in at the asbestos clinic (you do not have to be a patient at the asbestos clinic to receive these free services).